

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Vernon Neal Powers,

Petitioner,

Civil No. 05-2089 (RHK/RLE)

v.

ORDER

Lynn Dingle, Warden, MCF Oak Park
Heights,

Respondent.

In a March 3, 2006 Report and Recommendation, Magistrate Judge Raymond L. Erickson recommended that Petitioner's application for Habeas Corpus relief be summarily dismissed and Respondent's Motion to Dismiss be granted. Petitioner filed timely Objections, which included an Affidavit of attorney Bruce Rivers. Because the Affidavit addressed Petitioner's ineffective assistance of counsel claim, and had not been presented to Judge Erickson, the matter was remanded to Judge Erickson for the limited purpose of determining its impact, if any, on the March 3, 2006, Report and Recommendation. Judge Erickson, in a July 5, 2006 Report and Recommendation, has determined that the referenced Affidavit does not impact the previously filed Report and Recommendation and again recommends dismissal of the Habeas Corpus application. Petitioner has filed Objections to that recommendation, which is now before the Court for de novo review.

The undersigned has reviewed de novo both Reports and Recommendations and Petitioner's Objections thereto. Those reviews satisfy this Court that Judge Erickson's recommended dispositions are fully supported by the record before him and applicable legal authority and should be adopted.

Accordingly, and upon all the files, records and proceedings herein, **IT IS ORDERED:**

1. Petitioner's Objections (Doc. Nos. 18 and 26) are **OVERRULED**;
2. The Reports and Recommendations (Doc. Nos. 16 and 25) are each **ADOPTED**;
3. Petitioner's Application for Habeas Corpus Relief under Title 28 U.S.C. § 2254 (Doc. No. 1) is **SUMMARILY DISMISSED**; and
4. Respondent's Motion to Dismiss (Doc. No. 10) is **GRANTED**.

Dated: July 25, 2006

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge